

Practitioner's Docket No. MPI1997-035CP3

REMARKS

The present response incorporates Applicant's response and remarks filed September 3, 2003. This response is made to comply with the Notice of Non-Compliant Amendment mailed September 11, 2003. Applicants submit the full claim set was in fact included in the previous response, however claims had been inadvertently mis-numbered upon filing of the application. This paper submits amendments solely to renumber claims 15-58 to address and correct the incorrect numbering. Entry of the remarks to the Office Action dated June 3, 2003.

Claims 8, 9, 17, and 47 have been amended. Support for the amendments and new claims lies in the original claims and specification as filed. Claims 15-57 have been renumbered to reflect correction of inadvertent misnumbering of originally filed claims 15-43 and subsequently added claims 44-58. No new matter has been added by virtue of the amendments contained herein.

Applicants appreciate the Examiner's acknowledgement that Claims 6-7, and 45(renumbered 44) are allowed.

Claims were rejected under 35 USC §112 for reference to a deposited sequence. The rejection is traversed.

Applicants submit herewith a Statement of Biological Deposit, including a copy of the ATCC deposit certificate. It is believed the submission addresses the requirements under 35 USC §112. Reconsideration and withdrawal of the rejection is requested.

Claims 17 and 47 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement for seemingly inadequate description of "biological activities." The rejection is traversed.

While Applicants traverse the rejection and again submit the claims are clear to those of skill in the art in view of the specification and knowledge of those in the art, and as discussed for the reasons of record. However, in an effort to advance prosecution and address the concerns of the Examiner, Applicants have amended the claims to more particularly point to biological activities of the ACE2 polypeptides encompassed in the scope of the claims. It is believed the present amendments address the concerns of the Examiner and render the rejection moot. Reconsideration and withdrawal of the rejection is requested.

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Claims 17 and 47 were rejected under 35 USC §112 second paragraph as being indefinite for recitation of "at least one bioactivity of an ACE-2 polypeptide." Applicants respectfully traverse the rejection and submit in view of those of skill in the art, in conjunction with the disclosure of the present specification, one of skill in the art would clearly comprehend use of this phraseology. However, in an effort to advance prosecution and address the concerns of the Examiner, Applicants have amended the claims to more particularly point to biological activities of the ACE2 polypeptides encompassed in the scope of the claims. It is believed the present amendments address the concerns of the Examiner. Reconsideration and withdrawal of the rejection is requested.

Claim 47 was rejected for recitation of the term "The" beginning the claim. Applicants have amended the claim to correct inadvertent improper antecedent basis. Withdrawal of the rejection is requested.

Claim 8 was rejected for recitation of the "at least about." Applicants have amended the claim to remove the term "about" and recite "at least 90%." It is believed the amendment addresses the concerns of the Examiner. Withdrawal of the rejections is thus requested.

Claim 9 was rejected for recitation of the phrase "a bioactivity of an ACE-2 polypeptide." Applicants have amended Claim 9 to recite "at least one bioactivity..." as well as to incorporate the potential bioactivities included within the scope of the claim. It is believed the present amendments address the concerns of the Examiner. Reconsideration and withdrawal of the rejection is requested.

Claims 3-4, 10-16 were rejected for depending from rejected Claim 8; and Claims 49-53 were rejected for depending from rejected claim 47. As discussed above, it is believed Claims 8 and 47 are presently allowable, as Applicants have addressed each and every concern of the Examiner. Thus, withdrawal of the rejection of dependent Claims 3-4, 10-16, and 49-53 is proper.


In view of the amendments and remarks discussed above, reconsideration and withdrawal of the rejections under 35 USC §112 is respectfully requested.

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In view of these amendments and remarks, Applicants respectfully submit that the objections and the rejections of the claims under 35 U.S.C. §§ 112 are now overcome and that this application is now in condition for allowance. Early notice to this effect is solicited.

It is believed the present submission is being made timely, and no extensions of time or fees are required. In the event any additional fees are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Respectfully submitted,

<u>October 8, 2003</u>	<p>MILLENNIUM PHARMACEUTICALS, INC.</p> <p>By </p> <p>Kerri Pollard Schray Registration No. 47,066 75 Sidney Street Cambridge, MA 02139 Telephone - 617-551-3676 Facsimile - 617-551-8820</p>
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